

1 LATHAM & WATKINS LLP
2 Manny A. Abascal, *pro hac vice*
manny.abascal@lw.com
3 Michael A. Galdes, *pro hac vice*
michael.galdes@lw.com
4 Jared A. Forbus, *pro hac vice*
jared.forbus@lw.com
5 355 South Grand Avenue, Suite 100
6 Los Angeles, CA 90071-1560
Tel: (213) 485-1234
Fax: (213) 891-8763

7
8 HUTCHISON & STEFFEN
9 Mark A. Hutchison (Bar No. 4639)
mhutchison@hutchlegal.com
10 Joseph R. Ganley (Bar No. 5643)
jganley@hutchlegal.com
11 Piers R. Tueller (Bar No. 14633)
ptueller@hutchlegal.com
12 10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
Tel: (702) 385-2500

13 Attorneys for Defendants Michael Shustek
and Vestin Mortgage LLC

14
15 UNITED STATES DISTRICT COURT
16
17 DISTRICT OF NEVADA

18 SECURITIES AND EXCHANGE
19 COMMISSION,

20 Plaintiff,
v.

21 MICHAEL V. SHUSTEK and
VESTIN MORTGAGE LLC,

22 Defendants.

23 CASE NO. 2:21-cv-01416-JCM-BNW

24
25
26
27 DEFENDANTS MICHAEL SHUSTEK
AND VESTIN MORTGAGE LLC'S
MOTION FOR LEAVE TO
SUPPLEMENT OPPOSITION TO
MOTION TO COMPEL

Judge: Hon. James C. Mahan
Magistrate: Hon. Brenda N. Weksler

1 Defendants Michael Shustek and Vestin Mortgage (“Defendants”) request this Court’s
 2 leave to attach an additional exhibit to its Opposition (ECF No. 27) to Plaintiff’s Motion to
 3 Compel (ECF No. 21). Specifically, Defendants seek leave to supplement their Opposition with
 4 the Order Regarding Discovery Commissioner’s Report and Recommendation, attached hereto
 5 as **Exhibit C**.

6 Pursuant to LR 7-2(g), the court may grant a party leave to supplement a motion for good
 7 cause. Here, good cause exists so that the Court may fully be informed about the status of the
 8 Discovery Commissioner’s Report and Recommendation, which was filed as Exhibit B to the
 9 Opposition (ECF No. 28-3). On July 27, 2022, Hon. Linda Marie Bell of the District Court for
 10 Clark County, Nevada “affirmed and adopted” the Discovery Commissioner’s Report and
 11 Recommendation without modification. Further, because this order had not yet issued when
 12 Defendants filed their Opposition, this request for leave is timely. Therefore, Defendants believe
 13 that the Court should grant leave to file a supplemental Exhibit C as a supplemental Exhibit to
 14 the Opposition so that the Court may be fully apprised of developing facts.

15

16 Dated: July 28, 2022

Respectfully Submitted,

17

18

LATHAM & WATKINS LLP

19

Manuel A. Abascal
Michael A. Galdes
Jared A. Forbus

20

21

By: /s/ Manuel A. Abascal

22

Manuel A. Abascal

23

24

*Attorneys for Defendants Michael Shustek
and Vestin Mortgage LLC*

25

26

ORDER

27

IT IS SO ORDERED

DATED: 1:18 pm, July 29, 2022


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Ave., Suite 100, Los Angeles, CA 90071-1560.

On July 28, 2022, I served the following document described as:

**DEFENDANTS MICHAEL SHUSTEK AND VESTIN MORTGAGE LLC'S MOTION
FOR LEAVE TO SUPPLEMENT OPPOSITION TO MOTION TO COMPEL**

by serving a true copy of the above-described document in the following manner:

VIA THE COURT'S CM/ECF ELECTRONIC FILING SYSTEM

Sheila O'Callaghan
ocallaghanS@sec.gov

Susan LaMarca

lamarcas@sec.gov

David Zhou

zhoud@sec.gov

Ruth L. Hawley

hawlevr@sec.gov

SECURITIES AND EXCHANGE COMMISSION

44 Montgomery Street, Suite 2800

San Francisco, California 94104

Attorneys for Plaintiff Securities and Exchange Commission

I declare that I am employed in the office of a member of the Bar of California, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **July 28, 2022** at Los Angeles, California.

/s/ Manuel A. Abascal
Manuel A. Abascal